WILLKIE FARR & GALLAGHER LLP

1875 K Street, N.W. Washington, DC 20006-1238

Tel: 202 303 1000 Fax: 202 303 2000

May 17, 2012

<u>VIA ECFS</u> EX PARTE

Ms. Marlene H. Dortch Secretary Federal Communications Commission 445 12th Street, SW, Room TW-A325 Washington, DC 20554

Re: Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers; Connect America Fund; High-Cost Universal Service Support; A National Broadband Plan for Our Future, CC Dkt. No. 01-92, WC Dkt. Nos. 07-135, 10-90, & 05-337, GN Dkt. No. 09-51

On May 15, 2012, Fritz Hendricks, President of Onvoy, Inc., Scott Sawyer, General Counsel of Onvoy, Inc., and the undersigned met with Victoria Goldberg, Randy Clarke, and Travis Litman of the Wireline Competition Bureau. The attached materials describe the substance of the presentation during the meeting. In addition, we explained that, in order to address the technical obstacles associated with implementing bill and keep for intra-MTA traffic exchanged between wireline LECs and CMRS providers, the Commission should permit a wireline LEC to assess originating access charges on intraMTA calls where the wireline LEC originates the call and transmits it to an unaffiliated interexchange carrier which then transmits the call to a CMRS provider for delivery to the called party.

Please do not hesitate to contact me at (202) 303-1111 if you have any questions or concerns about this submission.

Respectfully submitted,

/s/ Thomas Jones
Thomas Jones
Counsel for Onvoy, Inc.

cc (via email): Victoria Goldberg Randy Clarke Travis Litman

Enclosures



Ex Parte Presentation of Onvoy, Inc

through an IXC; and Issues Raised in the FNPRM Regarding Stand-Clarification; Access Stimulation Rules; LEC to CMRS Traffic Routed In Connection with Onvoy's Petition for Reconsideration or Alone Tandem Access Providers

Fritz Hendricks, President Onvoy Scott Sawyer, General Counsel Onvoy

Thomas Jones Willkie Farr and Gallagher

May 15, 2012

VoIP-PSTN Interconnection Agreements



regarding pre-existing VoIP-PSTN Bill and Keep Interconnection Agreements The FCC should grant Onvoy's Petition for Clarification or Reconsideration

- The Commission supports bill and keep provisions in interconnection agreements:
- Adoption of bill and keep will further a number of policy goals. Paras 741-752
- The Commission has described the "significant policy advantages" of bill and keep. Para 738
- telecommunications networks and promoting the deployment of IP-based networks." Paras 737, 741, Bill and keep "best advances the … public interest, driving greater efficiency in the operation of
- The Commission favors negotiated agreements over the tariffing of default rates:
- "[I]n the absence of an agreement for different intercarriers compensation," LECs are permitted to tariff default rates for toll VoIP-PSTN traffic. Paras 944-945
- The Commission should clarify that pre-existing VoIP-PSTN bill and keep interconnection agreements should remain in force, even if the agreement contains a change in law:

- The change of law in the Order should only apply to carriers that did not have an existing agreement to exchange VoIP-PSTN traffic on a bill and keep basis
- Allowing carriers that have been exchanging traffic under bill and keep to begin charging higher transition default rates undermines the Commission's goals
- The Commission should reject CenturyLink's unsupportable assertions that the transitional default rates are an offset to the reductions required elsewhere in the Order

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Not all carriers in the call path have end users, therefore the FCC should reject Sprint's request for clarification

- under the LEC's access tariff, calls generated by that entity do not constitute access under the Sprint's suggestion that under the Farmers case if an entity does not qualify as an "end user" Order mischaracterizes the fact-specific determination in Farmers by suggesting it usurps, rather than complements, the FCC's access stimulation rules
- The holding the Commission reached in Farmers cannot be automatically extended to other carriers whose tariffs contain different language
- directed to access stimulators can never be subject to access, which the Commission declined The Sprint proposal is a reformulation of an argument Sprint made in its comments that traffic to adopt
- Adopting Sprint's proposal is inappropriate, particularly for providers of stand-alone tandem access, which provide access but do not serve end users
- Collection of access charges by stand alone tandem providers should not depend on whether traffic traversing their networks originates from or terminates to an entity that qualifies as an end user under the downstream LEC's tariff

Access Stimulation – "Telecommunications Service"

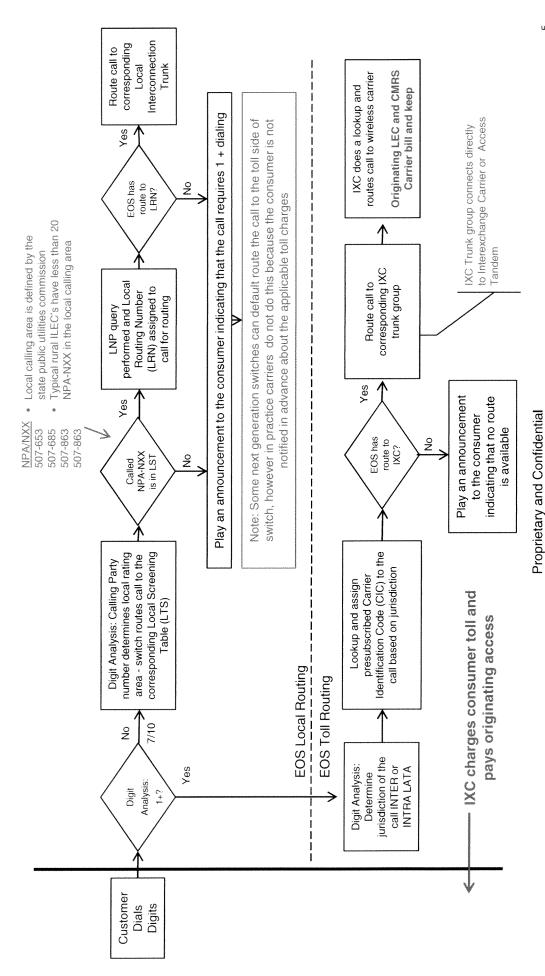


Sprint's request that the a carrier cannot charge access on a call that is not a "telecommunications service" is not supported by the Order

- "telecommunications service" forecloses the application of access charges if the LEC does not The FCC should also reject Sprint's request for clarification that the definition of provide "telecommunications for a fee."
- The Order clearly permits LECs to assess access changes for the transmission of VoIP traffic despite the fact the FCC has not ruled that VoIP is a telecommunications service
- Sprint's proposal fails to account for providers of stand alone tandem service, whose customers are IXCs and who have no ability to monitor what services the downstream LEC may be providing to its customers.
- charges for calls to and from parties that are not purchasers of "telecommunications services" Accordingly, the Commission should not prohibit the collection of tandem switched access

Overview Today

The Commission should consider technical capabilities of today's End Office Switch (EOS) outbound routing when determining the final Intra-MTA rule



Overview – IntraMTA as Local

Interconnection corresponding Route call to Trunk Local EOS will not have connectivity to the 300+ Play an announcement to the consumer indicating that the call requires 1 + dialing Any call outside the LCA will fail? Note: Some next generation switches can default route the call to the toll side of If the entire MTA area is included in the Local Calling Area the EOS will have no Yes technical means to discern the difference between a local, toll or Intra-MTA call EOS has route to LRN? ဍ Third break point: carriers in MTA performed and Local (LRN) assigned to call for routing Routing Number LNP query Second break point: (EOS cannot distinguish local vs. toll) The EOS treats all calls within MTA 12 to a landline, cell MTA 12 has 4600 NPA/NXX codes, covering 5 states All 4600 codes would have to be loaded into all LST EOS will perform a LNP query and assign the LRN Yes Called NPA-NXX ဍ is in LST phone, or IP line as local corresponding Local Screening number determines local rating area - switch routes call to the Digit Analysis: Calling Party Table (LST) routed to the toll side of the EOS1 Once call is routed toll - the EOS cannot return it to local routing Consumer dials 1+ the call is 7/10 £ First break point: Yes Analysis: Digit Customer Dials Digits

switch, however in practice carriers do not do this because the consumer is not

notified in advance about the applicable toli charges

Route call to corresponding IXC

Yes

EOS has route to

Identification Code (CIC) to the

jurisdiction of the

Determine

call INTER or INTRA LATA

Digit Analysis:

Lookup and assign presubscribed Carrier

EOS Local Routing EOS Toll Routing call based on jurisdiction

trunk group

is available

Proprietary and Confidential

indicating that no route

to the consumer

Play an announcement

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IXC Trunk group connects directly to

Interexchange Carrier or Access

Tandem

FNPRM - Stand-Alone Tandem Service



Bill and keep should not apply to stand-alone tandem service because there is no end user from whom to recover the revenue

- In the FNPRM, the Commission sought comment on whether and how to transition tandem access rates where different carriers own the tandem switch and the end office subtending the tandem
- providers of terminating tandem access service when such providers do not The FCC should clarify that the transition to bill and keep does not apply to own the terminating end office
- providers of originating tandem access charges when such providers do not The FCC should clarify that the transition to bill and keep does not apply to own the originating end office
- service do not have end users from whom to recover the costs of termination This approach makes sense because providers of stand-alone tandem and origination
- In all events, the FCC does not have the jurisdiction to regulate originating tandem access service for intrastate toll traffic